



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Bill Cole Enterprises, Inc.--Request for
Reconsideration
File: B-232691.2
Date: October 19, 1988

DIGEST

Prior dismissal of untimely protest is affirmed, notwithstanding protester's assertion that it was unaware of the General Accounting Office's Bid Protest Regulations' timeliness requirements, because the protester is charged with constructive knowledge of those regulations through their publication in the Federal Register.

DECISION

Bill Cole Enterprises, Inc. (BCE), requests reconsideration of our dismissal of its protest under invitation for bids (IFB) No. 2FYG-CM-A-A4621, issued by the General Services Administration (GSA), for archival quality film sleeves. We dismissed the protest because it was not filed with us within 10 working days of the date the protester had actual or constructive knowledge of initial agency action adverse to its agency-level protest, as required by our Bid Protest Regulations, 4 C.F.R. § 21.2(a)(3) (1988).

We affirm our prior dismissal.

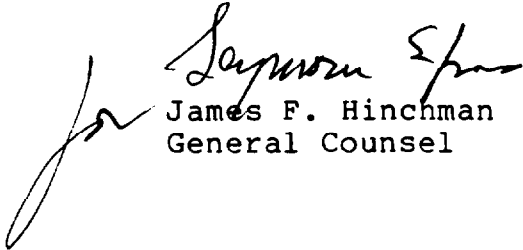
The protester does not dispute the applicability of this timeliness rule to the circumstances of this case. It does contend that its protest should be considered because it was unaware of our timeliness requirements since they were not included in the solicitation.

Although BCE was unaware of our timeliness rules, our Regulations are published in the Federal Register and, therefore, protesters are charged with constructive notice of their contents. The Master Collectors, Inc.--Reconsideration, B-228938.4, Jan. 19, 1988, 88-1 CPD ¶ 47. A protester's professed unawareness of these published regulations is not a proper basis for waiving their requirements. Id. Our Regulations are intended to provide

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for expeditious consideration of procurement actions without unduly disrupting the government's procurement process. To waive our timeliness requirements for the protester's sole benefit would only serve to compromise the integrity of those rules. Id.

We affirm our prior dismissal.

James F. Hinchman
General Counsel